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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 589th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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GE.00-40214 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY THE REPRESENTATIVE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mr. GAHAM (Representative of the High Commissioner for Human Rights) expressed the High Commissioner's appreciation for the Committee's introduction of new working methods to increase the number of reports it considered during each of its sessions, thereby meeting the expectations of a large number of States parties that wished to enjoy a constructive dialogue with the Committee. With regard to the main developments in the field of human rights since the Committee's previous session, there were four main areas of interest. Firstly, throughout 1999, the year of Commemoration of the tenth anniversary of the Convention on the Rights of the Child, children's rights had been incorporated into the discussions held by the Commission on Human Rights, the Economic and Social Council and the United Nations General Assembly. On 20 November 1999, the anniversary of the Convention's adoption, the High Commissioner for Human Rights had received in Geneva more than 100 children from underprivileged socio-economic backgrounds. That day had been a fitting climax to a week-long programme organized for the children by a non-governmental organization (NGO), International Movement ATD Fourth World.

2. In 1996, the High Commissioner for Human Rights had launched, with the Committee's active support, a Plan of Action to strengthen the implementation of the Convention on the Rights of the Child. The Plan had provided the Committee with increased substantive support and enabled the Office of the High Commissioner for Human Rights to assist in the implementation of a number of the Committee's recommendations. In that connection, Mrs. Ouedraogo, accompanied by a member of the Action Plan team, had visited Haiti in response to a request by the Haitian Government for assistance in drafting its initial report to the Committee. In similar vein, Uganda and Benin had recently requested assistance in implementing the Committee's recommendations.

3. Preparations were under way for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in July 2001. The Conference would present an important challenge for the establishment of a new vision of the world in the fight against racism in the twenty-first century. On Human Rights Day (10 December 1999), the High Commissioner for Human Rights had launched a formal campaign to increase awareness of the forthcoming Conference. The High Commissioner had spoken of the need for an unreserved commitment to achieving tolerance and understanding between different peoples and communities, as the international community prepared to concentrate its efforts on eliminating one of the most insidious and persistent evils facing humankind. Prior to the Conference, regional meetings and preparatory sessions would be held throughout the world. Among the issues to be dealt with by the Conference, attention would focus on the effects of racial discrimination on children belonging to minority groups and children of migrant workers, and on education and tolerance. A substantial contribution by the Committee to the Conference was essential, and provision to that end had been made in all United Nations General Assembly and Commission on Human Rights resolutions adopted since 1997, when it had first been decided to convene the Conference. The efforts of all the treaty bodies were required; in the context of the Committee's work, racism was an obstacle to

the realization of children's rights. In that regard, the High Commissioner for Human Rights wished to have a meeting with the Committee at its current session to discuss in more detail the activities envisaged as part of the Conference.

4. Mention should also be made of the two working groups responsible for preparing draft optional protocols to the Convention on the Rights of the Child. A meeting of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts was currently being held. He hoped that the efforts made by the Chairperson of the Working Group throughout 1999 would be rewarded by the adoption of an optional protocol by consensus at the end of the Group's current session. A meeting of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would be held immediately after the meeting of the first Working Group. The Committee would undoubtedly follow closely and participate in the work of both Groups. In that context, the United Nations General Assembly had recently adopted an Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women enabling the Committee on the Elimination of Discrimination against Women (CEDAW) to receive communications from individuals who claimed that their rights had been violated.

5. To date 71 States had provided notification of their acceptance of the amendment to article 43 of the Convention, increasing the number of Committee members from 10 to 18. The acceptance of 120 States was required for the amendment to enter into force; the Committee and the High Commissioner for Human Rights had on numerous occasions encouraged States parties to accept the amendment. Also of note was the fact that during its previous session the Committee on Economic, Social and Cultural Rights had adopted a General Comment on the right to education. Similarly, the Special Rapporteur of the Commission on Human Rights on the right to education had recently visited Uganda and would submit a report to the Commission on his visit.

The meeting was suspended at 10.25 a.m. and resumed at 10.40 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6)

Initial report of India (CRC/C/28/Add.10) (CRC/C/Q/IND/1; written replies of the Government of India to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

6. At the invitation of the Chairperson, Ms. Aggarwal, Ms. Kunadi, Mrs. Rao, Mr. Sabharwal, Mr. Prasad and Mr. Sinha (India) took places at the Committee table.

7. Ms. AGGARWAL (India) said that India had adopted an extremely transparent methodology in preparing its initial report (CRC/C/28/Add.10). The list of issues (CRC/C/Q/IND/1) had been circulated for comment to all ministries concerned with children's issues, either directly or indirectly, at both national and State levels. The list had also been sent to NGOs, schools, institutes and social science organizations. Replies received after the finalization of the initial report would be included in the second periodic report.

8. India was a pluralistic and heterogenous society, being multilingual, multireligious and multicultural. Common to Indian society as a whole, however, was the belief that a child was a gift from God and should be nurtured with care and affection within the family and society. India was not only completely committed to the Convention on the Rights of the Child but had demonstrated that commitment by constantly reviewing the implementation of the Convention, speeding up successful programmes and correcting or implementing new policies and programmes in areas that had proved to be deficient. Many of the articles of the Convention were enshrined in the national Constitution, the National Policy for Children and the National Plan of Action for Children, which together formed the foundation of the affirmative action being undertaken. The Government was in the process of finalizing certain measures aimed at achieving the Convention's goals. Firstly, a National Commission for Children was being set up to harmonize all existing legislation, policies and programmes pertaining to children. The Commission would focus on the question of age-limits prescribed for certain activities by children, with particular reference to gender differences. The Supreme Court of India had declared education to be a fundamental right for children up to the age of 14. Nineteen states and Union Territories had enacted compulsory education legislation. The Government had recently created a separate Department of Elementary Education and Literacy in order to focus on the importance of that sector. The Department had adopted a holistic and convergent approach to providing universal elementary education. The so-called Mission of Education for All was a new initiative designed to ensure that, within the following three years, all children up to the age of 14 attended a school, an education guarantee centre, or a "back to school" camp. The Department was also in the process of finalizing an amendment to the Constitution and introducing national legislation to provide free and compulsory education for all children up to the age of 14.

9. Similarly, the Ministry of Labour was finalizing legislation for fixing a minimum age of 14 for admission to employment in all occupations, excluding agriculture in family and smallholdings producing for private consumption and not regularly employing hired workers. The legislation also proposed the fixing of a minimum age of not less than 18 for admission to any type of employment which, by its nature, was likely to jeopardize the health, safety or morals of young people. The legislation would be enforced through a system of labour inspections and would be fully in conformity with ILO Convention No. 138 concerning the Minimum Age for Admission to Employment. The legislation would not only establish compulsory education but would also help abolish child labour for all children below the age of 14 and generate enormous governmental and social pressure to achieve two critical objectives of the Convention.

10. In the past decade the infant and child mortality rates had been reduced considerably through increased immunization coverage and the provision of safe drinking water. Rates were still high, however, and a major deficiency in children's health programmes concerned children's nutritional needs. To address that problem, the Indian Government proposed to launch a National Nutrition Mission, aimed at attacking and overcoming the intergenerational cycle of malnutrition as a major cause of infant and child mortality and morbidity, and maternal mortality. The Mission was based on a three-pronged strategy of awareness-raising, direct intervention and nutrition surveillance in order to control and prevent malnutrition and related

disorders in a holistic and permanent manner. Its strategy would be directed towards improving the nutritional status of adolescent girls, pregnant women, breastfeeding mothers and infants below the age of 2.

11. The Integrated Child Development Services, which provided pre-school activities, health coverage and supplementary nutrition, were expected to be extended to all children by 2001, if not earlier.

12. The list of policy measures outlined were just a few of the steps envisaged to promote the full implementation of the Convention. The dynamic partnership between the Government, international agencies, NGOs and social activists would ensure that children's issues were addressed and would bring about the awareness and commitment required to achieve the goals of the Convention.

13. The Indian press closely monitored the situation of children and did not hesitate to report any violations of their rights, and the considerable efforts of the judiciary on behalf of children had led to the introduction of relevant legislative and executive measures. In conclusion, she thanked the UNICEF India office for its support in the preparation of the report and the Committee for the opportunity provided to engage in worthwhile dialogue.

14. The CHAIRPERSON thanked the delegation for its introduction of India's initial report and invited the Committee members to ask questions on the first two sections of the list of issues (CRC/C/Q/IND/1, paras. 1-7).

15. Mrs. KARP said that it was a daunting task to attempt to analyse the situation in India, not only because of the broad scope of the issues involved but also because of the enormous contrasts that characterized the country. It was clear that India was a nation with a strongly developed democracy. However, democracy encompassed not only the rule of the majority but also the protection of the rights of minority and marginalized populations. Whereas the report highlighted discrimination against the girl child, very little had been said about the caste system, which infringed the rights of children. Paradoxically, although India was viewed as an ancient civilization to which the world looked for lessons on freedom of thought, modern forms of slavery, such as child labour and prostitution, affected large numbers of people in India.

16. While India was a nuclear power, there was great disparity in the distribution of wealth. India boasted such non-violent personalities as Mahatma Gandhi, yet violence was on the increase, especially in the north of the country. Notwithstanding the Indian symbol of harmony, the Taj Mahal, there was evidence of disharmony throughout Indian society. All of the foregoing contributed to the enigma that India represented.

17. The report had been silent on a number of issues, including the best interests of the child, the relationship between the federal and state governments and the effectiveness of federal and State policies and programmes. The statistics cited dated back to 1991, and she wondered whether the delegation might provide more up-to-date figures. According to paragraph 65 of the report a child was defined as a person below the age of 14 and up to 19 years of age for girls. How many children were there aged 18 and below?

18. Bearing in mind the differences in programmes, budgets and plans of action between the different levels of government, what was the exact nature of the relationship between the central, local and provincial governments? Were the lower levels of government monitored by the central authority, and did they receive any assistance from it?

19. With regard to the three lists of legislative powers given in the Seventh Schedule of the Constitution she wondered whether there might be some issues which did not fall under any jurisdiction. Much of the legislation cited in the report was outdated, although mention had been made of some legislative reforms, and the report expressly stated that gaps in the personal law were harmful to the best interests of the child. Although she welcomed the forthcoming National Commission for Children, she would like to know what obstacles prevented the introduction of updated legislation that would reflect the principles of the Convention.

20. A large number of the programmes and policies mentioned seemed to take a welfare-based rather than a rights-based approach. Did the Government intend to correct that situation? She would welcome information on the budget allocation of local and provincial resources and the guarantees which had been put in place to ensure that the actions of the local and provincial authorities effectively enhanced children's rights. How did the Government intend to address the constraints mentioned in the written reply to the second question on the list of issues?

21. She asked whether the National Human Rights Commission (NHRC) covered the human rights of children and what its impact was on children's lives. Did the National Plan of Action for Children, which had been developed before India's accession to the Convention, reflect a rights-based approach to children's issues?

22. She welcomed the proactive approach of the Supreme Court and asked about the practical outcome of its decisions, for example on child labour and free and compulsory education. Did the Supreme Court and the judiciary in general refer to the Convention on the Rights of the Child and other international instruments? She would also like to know what steps had been taken to implement the recommendations of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, in 1996 and 1997 respectively, on subjects of interest to the Committee on the Rights of the Child.

23. She questioned India's need to make a declaration in respect of article 32 of the Convention, as all articles of the Convention were interdependent, and asked whether India had considered withdrawing it.

24. Mr. FULCI said that the delay in the submission of India's initial report was regrettable. He asked whether India intended to ratify the ILO Worst Forms of Child Labour Convention, and if so, whether the ratification process was under way in Parliament. He would also appreciate details about the inconsistencies between customary law and the Convention.

25. He welcomed the fact that a National Charter of Action for Children had been proposed and asked whether a date of introduction could be indicated. Although the report made mention of international and bilateral capacity-building assistance, it did not provide examples of technical cooperation programmes.

26. Had the Convention been translated into the national languages? As there had been no mention of human rights education in schools, he wondered whether there was any basis to the claims of certain NGOs that the media were not involved in the dissemination of the Convention and that some children were completely unaware of its existence.

The meeting was suspended at 11.30 a.m. and resumed at 11.40 a.m.

27. Ms. AGGARWAL (India) expressed appreciation for the Committee's interest in India's problems. Mrs. Karp had raised a number of interesting points, including the existence of huge disparities within Indian society, which was attributable to the country's sheer size and the contrasts of its constituent states, communities and languages. While India had a federal structure, policies were implemented at the level of the individual states, which necessarily made for disparities. She did not agree that children fell between two stools owing to their inclusion on the Concurrent List. Education had been included in the Concurrent List in 1996 to enable the central Government to assist states struggling to meet their commitments by providing them with matching grants through the Planning Commission. All child-related schemes were the subject of effective monitoring not only by the Planning Commission, but by the relevant ministries, and benefited from adequate allocations.

28. As to the allegation that discrimination was inherent in Indian society, India's first post-independence Constitution of 1950 stated that all persons were equal before the law and prohibited discrimination on any grounds; it even contained an article providing for affirmative action on behalf of women. India, an enormous country, had inherited formidable challenges upon accession to independence. Legislation could not be altered overnight, but steps were constantly taken to amend the Constitution whenever the need was felt.

29. Replying to a question by Mr. Fulci, she said consultations were under way with state governments and other institutions for setting up a National Commission for Children and adopting a National Children's Charter. The states would most likely emulate the central Government and set up state commissions for children, as they had for women. In reply to a question by Mrs. Karp, she said that on achieving independence in 1947 India had embarked upon a development approach to children's issues, had progressively moved towards a welfare approach and was currently in the process of adopting a rights-based approach.

30. The most reliable statistics available had emerged from the 1991 census, as subsequent data had not yet been authenticated. However, the forthcoming 2001 census would enable the authorities to furnish disaggregated, gender-sensitive information on a number of sectors. The NHRC, established by law, was one of the country's most effective bodies. It had been given extensive powers and possessed the mechanisms to ensure implementation of its recommendations. In reply to a question concerning action taken in the wake of the Supreme Court's decision on child labour, she said the list of industries considered hazardous for children had been expanded.

31. Mr. SINHA (India) said that in 1993 the Supreme Court had rendered a judgement declaring the right to education and the right to life to be fundamental rights of all children up to the age of 14. The judgement had produced a shift from the previous incremental approach, making elementary education a fundamental right throughout India. Such issues were being

raised in many high courts. The Government had requested all states to declare which children were not enrolled in school, with affidavits filed in the courts, thus requiring the states to adopt a rights-based approach. Even so, there had been a constitutional amendment, strongly supported by the ministries in all states, making primary education free and compulsory since 1993. The Law Commission, the Department of Women and Child Development of the Ministry of Human Resources Development and other relevant ministries were all involved in the establishment of the appropriate legal provisions. Although education had been placed on the Concurrent List a constitutional amendment had made elected representatives responsible for school management.

32. Despite the educational challenge India had inherited in 1947, the country had made immense strides in the past five decades in terms of numbers of schools, teachers and learning opportunities, and a sizeable non-governmental presence in the education sector ensured that the Government fulfilled its commitments. Recent independent surveys had confirmed that, widespread poverty notwithstanding, there was growing demand for education, a trend that would significantly raise basic education levels in a few years.

33. Ms. AGGARWAL (India) said that, with non-governmental support, the Convention had been translated into and disseminated in approximately 14 major Indian languages, and efforts were being made to include it in the school curricula. In addition, the report had been publicized through the Internet.

34. Mr. SABHARWAL (India) urged the Committee members to be mindful not only of India's shortcomings, but also of its considerable post-independence achievements. While certain social phenomena could not be eliminated overnight, constitutional guarantees and provisions aimed at alleviating them. The Indian delegation to ILO had played a leading role in the formulation of the Worst Forms of Child Labour Convention, 1999. Therefore, while he was not in a position to say when it would be ratified, the Committee could rest assured that the matter was being actively pursued. As to India's declaration concerning article 32 of the Convention, it was poverty, the root cause of the worst forms of child labour, that must be eradicated. Child labour had not been neglected in national policy; indeed, it had been a matter of great concern since independence. The Government had no immediate plans to withdraw the declaration.

35. Ms. AGGARWAL (India) said abundant powers had been delegated to the state governments, each of which was required to monitor the use of allocated funds. She had provided an overview of the situation of international agencies' technical cooperation to India. If the Committee so wished, the delegation would endeavour to furnish a more detailed breakdown.

36. The CHAIRPERSON, invited the members to put follow-up questions to the delegation.

37. Mrs. KARP, referring to social discrimination, said that, while she appreciated that the Government was endeavouring to eliminate discrimination and had set up monitoring agencies on scheduled castes and tribes, those measures provided cold comfort to an "untouchable" child who, obliged to sit at the back of the class, felt like an outcast and could become another drop-out statistic. It must urgently be acknowledged that the problem posed a major obstacle to implementation of the Convention and children's enjoyment of their rights, and that there was a close link between such exclusion on the one hand and child labour and prostitution on the other.

38. She welcomed the representations made to Parliament on behalf of the "untouchables", but what practical steps - such as awareness campaigns - had been taken in a bid to change society's attitude and impress upon it that such discrimination must be eliminated? She was aware that the Constitution contained articles that protected children's rights and that child marriages were prohibited by law, but legislation without implementation was of no avail. She would appreciate further information on the effectiveness of the Child Labour Inspectorate, as child brides still accounted for 5 per cent of rural girls aged 10-14.

39. The cited Supreme Court decision had been threefold, involving review, compensation and prosecution of an adult member of a working child's family. She wished to know the real impact of that decision. Had it had any implications for the education budget? She also inquired whether the decision to raise the education budget to 6 per cent of India's gross domestic product (GDP) - a trifling proportion, in any event - had been implemented. In conclusion, she asked whether the disaggregated data resulting from the 2001 census covered children up to 18 years of age and adults, as well as children up to the age of 15.

40. Mrs. MOKHUANE, referring to the transition that had been taking place in India from a needs-based approach to a rights-based approach to issues affecting children, asked what obstacles had been encountered in the transition process and what progress had been made. In India, international treaties were not self-executing, yet it seemed that domestic legislation was not being reviewed to ensure conformity with the Convention. Previous questions regarding possible conflicts between, for example, domestic law and customary law had not been adequately answered.

41. The report stated that there was coordination between the central authorities and state governments; however, evidence indicated that state governments tended to give lesser priority to implementation of the Convention because they gave priority to other issues. As a result there were discrepancies in implementation between different states. Moreover, individual states' plans of action did not include provisions for monitoring implementation or for funds to achieve the goals set out in the National Plan of Action. What had been achieved under the National Plan of Action and what changes had been made in the process of revising it?

42. The report mentioned that civil society played a role in disseminating information on children's rights, but were children themselves involved? Had they participated in the preparation of the report?

43. What progress had been made by the Inter-Ministerial Coordination Committee set up to implement the Convention? How did it function and how were the ministers involved in it evaluated? Evaluation should be based on the level of coordination achieved between different ministries, not merely on how each minister performed.

44. Paragraphs 8 and 9 of the report stated that the Indian Constitution guaranteed the rights of children. However, it was later indicated that the International Conference on Shaping the Future by Law, held in New Delhi in 1994, had called for a review of all national legislation pertaining to the child. Why had such a review been necessary if the Constitution was consistent with the provisions of the Convention?

45. Regarding the implementation of article 4 of the Convention, the Committee welcomed the fact that maximum budget allocations had been made to education and health. However, those funds were still insufficient; what efforts were being made to remedy that situation, especially as a large proportion of India's budget was spent on defence?

46. Although measures had been taken to prevent discrimination, particularly against "untouchable" children, legislation was not enough to prevent such discrimination; a fundamental change in attitudes was necessary. What had been done to achieve that end?

47. Mr. DOEK said that, as a regular visitor to India over a number of years, he was both overwhelmed by the enormity of the problems the country faced and impressed by the dedication of many people to solving those problems.

48. The written reply to question 2, stated that the Department of Women and Child Development, which was responsible for monitoring and coordinating the implementation of the Convention, was facing many constraints, including budgetary constraints. Did the budget allocation mentioned cover the Department as a whole or only those activities related to the monitoring and coordination of the implementation of the Convention? Which of the five constraints listed was a particular obstacle to monitoring and implementation activities?

49. He asked whether the proposed National Commission for Children would replace the "Alliance for the Child" or whether it was to be an additional body. Since the National Human Rights Commission also dealt with certain issues relating to children, how was work in the area of children's issues to be divided between the three bodies?

50. What was the Government's position on the draft optional protocol on involvement of children in armed conflicts? According to the written reply to question 7, the minimum age for recruitment into the armed forces was 16. Was the Government prepared to consider changing the law to raise the minimum age from 16 to 18?

51. Mrs. TIGERSTEDT-TÄHTELÄ said that, in India, resources to fund the implementation of children's rights were allocated only as available, whereas article 4 of the Convention required States parties to undertake measures to implement those rights "to the maximum extent of their available resources". That meant that children's rights should be a priority to the State budget.

52. Various plans and legislation to improve implementation of children's rights had been mentioned, but she wondered whether there was a clear policy to give priority to children's rights within the Government's overall programme. Was there an appropriate emphasis on the most vulnerable groups, such as minority groups, "untouchables" and children with disabilities?

53. Mrs. SARDENBERG, commending the many positive aspects of India's report, asked whether the Government intended to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ratification of that Convention, which was one of the six major human rights instruments, would mean that India was fully integrated into the international system of human rights protection.

54. She appealed to the Government to consider withdrawing its declaration in respect of article 32 of the Convention, which, while it did not constitute a reservation, nonetheless sent out a negative message. She commended the innovative step of putting the country report on the Internet and wondered whether the Internet was also being used as an aid for distance learning. It was regrettable that India had not submitted a core document, which would have helped the members of the Committee to understand better the country's many complexities.

55. It had been stated that India was moving from a Government-controlled economy to a market economy; as 70 per cent of the population worked for the public sector, had the impact of that transition on children been analysed? Regarding the collection of data for the next census, had the possibility of making the census cover all areas of the Convention been considered.

56. The establishment of the National Human Rights Commission was a positive step; she asked whether the Commission, as well as the proposed National Commission for Children, would address children's rights. Why were investigations into alleged abuses involving the army and paramilitary forces being prohibited?

57. Had the possibility been considered of incorporating all legislation relating to children in a Children's Code? Such a move could add momentum to the implementation of the Convention. The Government's cooperation with NGOs was to be commended; she wondered whether a specific mechanism might be set up to strengthen it.

58. Mrs. KARP asked what plans there were to implement the recommendations of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. She expressed concern that there was no definition of the age of sexual consent for boys, which meant that boys were not protected against sexual offences. Noting that children under 18 had no capacity to contract in India, she asked whether consideration had been given to adapting the rules of contract to cover certain aspects relevant to children.

59. She asked why, after years of consideration of the issue, the Law Commission of India had still reached no conclusion regarding the definition of the age of responsibility in the juvenile justice system.

60. Mrs. RILANTONO said that the success of all actions relating to child development was dependent on a multisectoral approach. The actions of the different government departments should be better coordinated so that efforts to promote the interests of children were not the sole responsibility of the Department for Women and Child Development. As education was compulsory, she asked what steps were being taken to address the problem of truancy and also requested statistics on school drop-out rates and illiteracy. She wondered how many years it was likely to take for compulsory education to solve the problems of unschooled children and illiteracy. What was the specific percentage of the national budget spent on education?

61. Mrs. EL GUINDI, noting that table 1 on page 8 of the written replies submitted by the Indian delegation showed central government expenditure on all social services, asked what percentage of expenditure in each of the areas mentioned was allocated specifically to children.

What measures had been taken to revise domestic legislation on the definition of legal ages in various areas, and had consideration been given to enacting a comprehensive children's rights code?

62. Mr. RABAH asked what the minimum legal ages were for medical counselling without parental consent and marriage with parental consent. He would like to know whether the Convention had been well received by the population, particularly children. Relations between Governments and NGOs were often a sensitive issue; had NGOs in India taken part in the preparation of the report? Had harmonization of customary laws with the Convention been achieved, bearing in mind the many languages, tribes and minorities in India?

63. Mr. SABHARWAL (India) said that, although the Committee was not an appropriate forum for discussing India's defence budget, he wished to point out that expenditure on defence constitutes 2.2 to 2.3 per cent of GDP, one of the lowest levels in the region and indeed the world. It was, moreover, established on the basis of the minimum credible defence needs of India by elected representatives of the Indian people.

64. India was actively working on ratification of the Convention against Torture. As had been rightly pointed out, the declaration concerning article 32 of the Convention on the Rights of the Child was not a reservation, but merely a recognition of the enormity of the problem of child labour and the inadequacy of the resources available to tackle it. India had undertaken to implement article 32 in a progressive manner. Certain steps were already envisaged or had been taken: a proposal was being considered to enact central legislation stipulating a minimum age of 14 years for admission to all types of employment, excluding small-scale agricultural production designed solely for private consumption and not regularly employing hired workers; a minimum age of 18 years was to be fixed for work in circumstances likely to jeopardize the health, safety or morals of young persons; and the central and state governments were to be made responsible for implementing the law through a system of labour inspection. India had participated in the negotiations on the ILO Worst Forms of Child Labour Convention and active efforts were under way to ratify it.

65. The CHAIRPERSON said that the Committee was not competent to discuss India's defence budget and had no intention of doing so, but that it was useful to draw a comparison between the resources allocated to defence and those allocated to implementation of the Convention.

The meeting rose at 12.55 p.m.